



**City of
Norfolk**

Inter Department Correspondence Sheet

TO: Members of City Council

FROM: Breck Daughtrey, City Clerk

COPIES TO: _____

SUBJECT: Minutes of City Council Meeting

July 30, 2015

Attached are the minutes of the City Council meeting held on Tuesday, July 21, 2015.

Breck

NORFOLK, VIRGINIA

REGULAR SESSION OF COUNCIL

TUESDAY, JULY 21, 2015

President Fraim called the meeting to order at 5:13 p.m. with the following members present: Ms. Graves Ms. Johnson, Mr. Protogyrou, Mr. Smigiel, Dr. Whibley, and Mr. Winn. Mr. Riddick was absent.

He then asked the City Manager to review the agenda. The manager reviewed the agenda items and made the following three announcements.

The “Vibrant Spaces” partnership initiative with the Downtown Norfolk Council and the Department of Development has been a huge success. They received nearly 100 applications for six new business spaces. The final determinations will be made by August 7th. Mr. Rigney, Mr. Chapman and staff will be meeting with the Downtown Norfolk Council to evaluate how we might add more than just six new businesses.

July 28th is the Park Place business café kickoff. The concept is to provide information and guidance to new and existing businesses so that they can be successful. Plans are underway to open up another café in the Ocean View area.

The International City-County Management Association (ICMA) and the National Research Center awarded Norfolk with a 2015 Voice of the People Award for transformation in the natural environment. It’s the only survey of local government that’s entirely based on community opinion. Basically, the citizens have rated the city in terms of their knowledge and involvement with the natural environment. He also thanked Dr. Betty Meyer, Mr. Steve Wright and Ms. Denise Thompson for their work on the application.

EXTERNAL AUDIT REPORT

Cheryl Xystros with KPMG reported as follows:

- The presentation addresses required audit planning communications
- The meeting will include KPMG team members with Ms. Xystros serving as engagement partners.

- Work will include an audit of financial statements, federal grant compliance, and compliance with auditor of public accounts specifications, enterprise funds, letters or internal control and performance improvement opportunities.
- An item of special interest is the new requirement including the net pension liability on the balance sheet.
- The audit will also look at fraud risks, the Community Development Block Grant, HOME Administration, TANF, HIV Emergency Relief Project, Medicaid and Social Services Block Grant.
- From the planning phase to completion, the audit process will run from July to December.

COUNCIL INTERESTS

1. Councilman Protogyrou asked the City Manager to schedule time during the retreat to discuss having a Director of Public Safety.
2. Councilman Protogyrou asked the City Manager to address issues related to the Meadowbrook and Algonquin areas.
3. Councilwoman Whibley asked that appropriate staff address flooding problems on 38th Street at the water treatment plant.
4. Councilman Smigiel asked the City Attorney to strengthen language in the tethering Ordinance. He referenced a recent court case dismissed by Judge Rosenblum based on the meaning of “unattended” in the Ordinance.
5. Councilman Smigiel asked for better coordination between the city’s mowing and landscaping crews so that grass and weeds can be cut close to the same time.
6. With regard to the FY 2016 Annual Audit Plan, Councilman Smigiel asked to fund the software package described by Mr. Sanderlin.
7. With regard to the NPD Community Initiatives and Crisis Intervention Team Update, Vice Mayor Graves asked that residents from each of the public housing communities be included in group discussions. Councilman Smigiel added that we need to do a better job of informing communities about these initiatives. Councilwoman Whibley asked if there is a way to assess how families are doing after the client’s crisis has been addressed.
8. With regard to R-7, and the outlet mall development, Councilman Smigiel suggested adding a web page to the city’s web site to track the development of this project.

ANNUAL AUDIT REPORT

City Auditor John Sanderlin reported on this item as follows:

- The audit plan's purpose is to establish a framework for audits, guide activities and outline areas of audit focus.
- The process was reviewed for preparing the plan.
- The FY16 work plan includes audits of the Norfolk Interagency Consortium, property and evidence controls, contract administration and management controls for the detention center, maintenance process, cemetery operations, controller's operation, recruitment and retention process, department of development and purchasing and material management.

POLICE COMMUNITY INITIATIVES AND CRISIS INTERVENTION TEAM UPDATES

Chief Goldsmith reported:

- NPD's vision is for the department to be a full partner of the community from NPD's side and the community's.
- Small group meetings with citizens have been very effective.
- A wide variety of outreach initiatives were noted.
- Initiatives implemented include a Fair and Impartial Policing program, gang awareness and anti-bullying camp, sending police recruits to the National Holocaust Museum to learn about policing and how it evolved and implementation of a Neighborhood Development Specialist program whereby officers make weekly contact with their Neighborhood Development Specialist to foster more efficient working relationships.

Sarah Paige Fuller, Director of Norfolk Community Services Board reported as follows on the Crisis Intervention Team (CIT):

- A CIT Assessment Center was built and began training officers in October 2014; roving patrols began in February 2015.
- In June the goal of training 200 police officers was completed; by next June, 100 more will be trained.
- Also in June the State awarded CIT a \$305,000 grant.
- From February to June there have been 176 interventions with 172 individuals; 126 of those were seriously mentally ill with 110 hospitalized and only one person went to jail.

CLOSED SESSION

Motion for closed session was approved for purposes which are set out in **Clause (s) 3 of subsection (A) of Section 2.2-3711 of the Virginia Freedom of Information Act**, as amended:

- 3) Discussion of the disposition of publicly owned real property in the 7900 block of Shore Drive, the 700 block of East Ocean View Avenue and the 2600 block of Monticello Avenue.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
TUESDAY, JULY 21, 2015 – 7:00 P.M.

Prayer offered by Vice Mayor Angelia Williams Graves, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to excuse Mr. Riddick from today's meeting.

Motion adopted.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a Lease Agreement between the **City of Norfolk and Old Dominion University** for the lease of certain property owned by the City of Norfolk at **501 Boush Street**.

Thereupon, An Ordinance entitled, "An Ordinance approving a Lease Agreement between the City of Norfolk and Old Dominion University for the lease of certain property owned by the City of Norfolk at 501 Boush Street and authorizing the City Manager to execute the Lease Agreement on behalf of the City of Norfolk," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **City Planning Commission**, for a text amendment to the City's *Zoning Ordinance* to amend portions of Sections 24-4, 24-7, and 25-5.6 to codify procedures related to continuances and withdrawals of applications pending before the Commission.

Thereupon, An Ordinance entitled, “An Ordinance to amend portions of Sections 24-4, 24-7 and 25-5.6 of the **Zoning Ordinance of the City of Norfolk, 1992**, SO AS TO codify procedures related to continuances and withdrawals of applications pending before the commission,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **City Planning Commission**, for a text amendment to the City’s *Zoning Ordinance* to amend Table 11-33-A, “Table of Land Uses” for PCO-5 PTS (Pedestrian Commercial Overlay – Five Points) District, to add “Pawnshop” as a land use allowed by Special Exception within the PCO 5-PTS District.

William Jackson, 3709 Buckingham Street, Austin Loney, 2205 Jeffrey Drive, Virginia Beach and Josh Loney, 6145 Sewells Point Road, were present to answer questions.

Thereupon, An Ordinance entitled, “An Ordinance to amend and reordain Table 11-33-A of the **Zoning Ordinance of the City of Norfolk, 1992**, in order to allow pawnshop by Special Exception in the Five Points Pedestrian Commercial Overlay (PCO-5 PTS) District,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a pawn shop on property located at **6137-6145 Sewells Point Road,**” was introduced in writing and read by its title.

The following people were present in favor of this matter but did not wish to speak:

William Jackson, 3709 Buckingham Street, Austin Loney, 2205 Jeffrey Drive, Virginia Beach, Josh Loney, 6145 Sewells Point Road, Justin Downard, 3700 Buckingham Street, Douglas Duffey, 8152 Camellia Road, Sarah Bean, 3653 Amherst Street, Shawntay Gunter, 225 A View Avenue, #213, Ashley Baker, 225 A View Avenue, Samantha Wright, 9626 Atlans Street, Deidre Gunter, 1053 Hugo Street, #B, Christine Loney, 2205 Jeffrey Drive, Donna Weyandt, 529 Muhlenberg Avenue, Reading, PA, Ava Duffy, 8152 Camellia Road, Willie Byrd, 1549 McNeal Avenue, Brandon Everett, 9626 Atlans Street, Megan Downard, 3700 Buckingham Street, Donneice Reynolds, 8426 Tidewater Drive, #5, Monique Bethea, 329 Fort Worth Avenue, #16, and Anne Wilson, 6145 Sewellls Point Road.

ACTION: The Ordinance as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-2

Letter from the City Manager and a Resolution entitled, “A Resolution approving the renewal and revision of the **Norfolk Community Services Board’s Performance Contract** with the Commonwealth for Fiscal Year 2016,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R -3

Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing the City Manager to negotiate agreements in substantial conformity with the terms and conditions of the attached **Funding Agreements**, for the purpose of purchasing from the Commonwealth of Virginia certain parcels of property known as **5809 Hartwick Drive and 1826 East Bayview Boulevard**, in the City of Norfolk, and approving the conveyance of said parcels of property to the City of Norfolk by the Commonwealth of Virginia," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4

Letter from the City Manager and a Resolution entitled, "A Resolution authorizing the application to the United States Department of Housing and Urban Development for a **Section 108 Economic Development Loan Fund Guarantee** of up to approximately \$19,000,000," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing the City Manager to execute an amendment to an agreement in substantial conformity with the terms and conditions of the amendment to the Comprehensive Agreement by and between **the City of Norfolk, Norfolk Public Schools and S.B. Ballard Construction Company** for the design and construction of four schools known as Campostella K-8 School, Broad Creek PK-5 School, Ocean View PK-5 School and Larchmont PK-5 School, with an option to design and build Camp Allen PK-5 School to issue a notice to proceed with the Camp Allen project and to remove furniture, fixtures and equipment and information technology from each of the schools," was introduced in writing and read by its title.

Ronnie Jennings, 1625 Colon Avenue, was present in favor of this matter but did not speak in this matter.

ACTION: The Ordinance as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-6 Letter from the City Manager and an Ordinance entitled, "An Ordinance approving a Cost Participation Agreement between the **City of Norfolk and Norfolk Collegiate School** for storm water improvements at **Suburban Parkway and Woodfin Avenue**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-7 Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing the expenditure of funds heretofore appropriated to the **Economic Development Authority of the City of Norfolk** to enable it to carry out its obligations under that certain Purchase Agreement, dated November 12, 2013, with **Simon Acquisition II, LLC**., for a portion of the property known as Lake Wright Golf Course on Northampton Boulevard," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-8 Letter from the City Manager and an Ordinance entitled, "An Ordinance to amend Section 2-600 of the Norfolk City Code, 1979, **SO AS TO** increase the membership of the **Bicycling and Pedestrian Trails Commission**, and to appoint new members to the Commission," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-9 A Resolution entitled, "A Resolution appointing and reappointing 45 persons to 8 Boards, 7 Commissions and 1 Authority for certain terms," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

NEW BUSINESS

1. Joe Cook, 1147 Surry Crescent, thanked the Mayor for inviting him to meet to discuss his concern about response to issues he has raised, and expressed concern about the impact of coal dust on residents and their property. He also expressed concern about city staff providing Norfolk Southern with correspondence from him and the Sierra Club regarding coal dust, quoting emails from Denise Thompson, Manager of Environmental Protection Programs and Norfolk Southern. He asked for a response from the City Manager on the policy that governs staff meeting with citizens to inform them of environmental issues.
2. Danny Lee Ginn, 3845 Dare Circle, commented that the Mayor stated, he would not allow censuring or votes of no confidence of council members.